



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Roger L. Twitchell, and Others  
File: B-219046  
Date: September 29, 1986

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### DIGEST

Four government civilian employees who interviewed with the Marine Corps Air Ground Combat Center, Twentynine Palms, California, may be reimbursed for actual travel expenses they incurred when attending interviews to determine their qualifications for an appointment to a vacant position with the Marine Corps, even though they were then currently employed by other governmental agencies and were on annual leave. The employees were issued orders by the Marine Corps authorizing the preemployment interview travel at Marine Corps expense. In these circumstances they may be considered to be in a similar position to a non-government employee for whom such travel is authorized by a government agency.

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### DECISION

The Disbursing Officer, Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California, requests an advance decision concerning payment of travel expenses of four government employees who traveled to the Combat Center to interview for a vacancy. The four employees worked at Federal agencies other than the Marine Corps, and they each had to take 2 days' annual leave from their respective agencies while attending the interviews. The question posed by the disbursing officer is whether the Marine Corps may reimburse the employees even though they were placed in an annual leave status at the time of the interviews. It is our view that these employees may be reimbursed for the actual travel expenses they incurred.

### BACKGROUND

The circumstances that gave rise to the disbursing officer's inquiry stemmed from the Combat Center's need to fill a vacancy at the installation for a Natural Resources Manager (ecologist, GS-408-12). The Installations Division at the

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Center wanted to fill the position as quickly as possible, but had to advertise it nationally since it was unable to locate qualified individuals in the immediate area.

After reviewing the applications it received in response to its job announcement, the Division selected the four most highly qualified applicants for interviews. All of these individuals were grade GS-11 government employees at agencies other than the U.S. Marine Corps. After consulting with its Civilian Personnel Office, the Division sent travel orders to the employees authorizing reimbursement of their traveling expenses on the basis that they would be performing official temporary duty assignments. The four employees were then interviewed on May 21 and 22, 1984, and one of them, Mr. Roger Twitchell, was selected for the position.

After the travel claims were submitted to the Combat Center's Disbursing Office, the Installations Division was informed that it had not followed the correct procedures to obtain travel allowances for the employees. The Division received a letter from the Combat Center's disbursing officer outlining the proper procedures. The letter stated that in order for the travel to be approved it must be proven (1) that the travel was in the interest of the government and not for the benefit of the employees, (2) that it was for the purpose of satisfying the agency's requirements for the position by determining the applicants' qualifications, and (3) that the requirements could not be accomplished by reviewing the employees' applications. In addition, the disbursing officer informed the Division that according to the current travel regulations, to receive travel pay, the employees must not have been in leave status at the time of the travel.

Receipt of this information prompted the Installations Division to contact each employee and request that he have his agency or former agency convert his leave period to an authorized travel status. While the Division believed that the first three requirements above had been met, it did not feel it could pay the travel expenses of employees on annual leave. Mr. Twitchell's former agency provided the only written response stating that the agency declined to change the leave time into duty time. Officials of that agency indicated that while they desired to accommodate the Marine Corps, Mr. Twitchell had been absent from duty and they were unaware of any basis for canceling the resulting leave charge. Apparently the other employees' agency also declined or the employees preferred not to request a change in their leave status.

## ISSUES

The four employees involved in this matter have submitted travel vouchers to the Marine Corps claiming reimbursement of the transportation and subsistence expenses they incurred when they went, on the basis of the travel orders issued by the Marine Corps, to Twentynine Palms, California, to attend the employment interviews. In requesting our advance decision on the propriety of approving the vouchers for payment, the responsible Marine Corps disbursing officer indicates that, in the particular circumstances, his doubts concerning the propriety of approving payment relate to the question of whether the Marine Corps may properly authorize and pay for the travel of Federal employees from another Federal agency. If this is permissible, the disbursing officer also questions whether the employees' claims for reimbursement of traveling expenses may be allowed even though they were considered to be in a leave status by their employing agencies when the travel was performed.

## ANALYSIS AND CONCLUSION

Under chapter 57 of title 5, United States Code, a Federal employee may be reimbursed for the expenses of official travel, as prescribed by implementing regulations.

Implementing regulations, Federal Travel Regulations, FPMR 101-7, restated and applied to civilians traveling under orders or authorizations issued by the military and naval services are contained in Volume 2 of the Joint Travel Regulations (2 JTR). Subparagraph C4451-7, 2 JTR, provides that official temporary duty travel, for which reimbursement of expenses is authorized, includes interview travel performed by a Federal employee which is required incident to the filling of a vacancy when the travel is authorized and considered justified. However, paragraph C4554, 2 JTR, generally precludes the reimbursement of travel expenses or the payment of travel per diem in the case of a Federal employee who is not traveling on official business, but is instead on a leave of absence and is traveling on personal business.

We have held that under the statutes and regulations a Federal agency may pay or reimburse Federal employees for their expenses incurred in traveling to a place of interview for the purpose of determining their qualifications for appointment to a vacant position, if personal interviews are necessary in the selection process, since this is a matter within the scope of an agency's responsibilities in the conduct of official business. See B-176624, September 6, 1972; and compare 60 Comp. Gen. 235 (1981). In our prior decisions we

have not expressed the view that only Federal employees from the same agency or department may be considered eligible applicants to travel at public expense to attend such interviews. More generally, however, we have expressed the view that a Federal agency may not undertake the responsibility for paying the traveling expenses of an individual employed by another agency operating under separate appropriations, unless there has been a loan of the employee between the agencies as a matter of interagency accommodation. See 13 Comp. Gen. 234, 236-237 (1934), concerning the application of the provisions of statute currently codified at 31 U.S.C. §§ 1301(a) and 1535(a). No such interagency loan of these employees had been made at the time of the interviews. In addition, we have long held that Federal employees may not be reimbursed for expenses of travel while they are in an annual leave rather than a duty status, since reimbursement is allowable only for expenses incurred in the course of the performance of official duties in furtherance of public business.

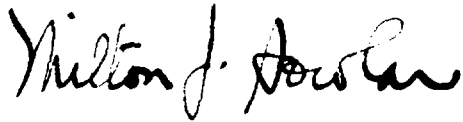
In the present case, the four employees in question traveled directly between their permanent duty stations and Twentynine Palms for the purpose of attending interviews conducted by Marine Corps officials to determine their qualifications for appointment to a vacant civil service position with the Marine Corps. The responsible Marine Corps officials had determined the appointment to the vacant position to be sufficiently critical to require the use of personal interviews in the selection process, and as a result travel orders were issued to the four employees in advance to enable them to travel to the interview site at Marine Corps expense. Thus, the employees' travel was related directly to the furtherance of Marine Corps business, although it was not related to the business of the agencies at which they were employed at the time of the travel.

In these circumstances we do not view the fact that the employees were in a leave status from their agencies, and not in a temporary duty status, at the time of the interview travel as precluding the Marine Corps from reimbursing their travel expenses. Instead, we would consider them in a situation somewhat similar to a non-government employee authorized by a government agency to travel to a place of interview at the agency's expense.

Accordingly, the actual expenses of these employees' interview travel may be reimbursed by the Marine Corps as an

administrative expense in accordance with their travel orders. See also 40 Comp. Gen. 221 (1960).

The vouchers presented for decision are returned for further processing consistent with the conclusions reached in this decision.

*for*   
Comptroller General  
of the United States